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8 **IN THE UNITED STATES DISTRICT COURT FOR THE**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 **ANTHONY AQUILA,**
12 **Plaintiff and**

13 **v.**

14 **UNITED STATES OF AMERICA,**
15 **Defendant**

)
) **No. C-04-0443-FMS**
)
)

) **APPLICATION TO CONTINUE**
) **CASE MANAGEMENT**
) **CONFERENCE AND ORDER**
)

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17 This case is set for a case management conference on July 15, 2004. The complaint was filed
18 February 8, 2004 and the government's answer filed May 4, 2004. The case involves the assessment of
19 so-called 100% penalty taxes for the failure of a corporation to pay over employment taxes due the
20 government. The government had anticipated filing a counterclaim against another person who was
21 assessed some of the same penalty taxes. We learned from the IRS that the other assessed person had
22 paid in full the taxes assessed against him. However, there are still taxes that remain unpaid by
23 plaintiff even after giving him credit for those payments. The parties are now engaged in settlement
24 negotiations as regards the remaining unpaid amounts.

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1 Accordingly, the parties request that the Court continue the statute conference for 60 days to
2 allows the parties more time to hopefully settle the case. Plaintiff's counsel, Jeffrey Titus, joins in the
3 request.

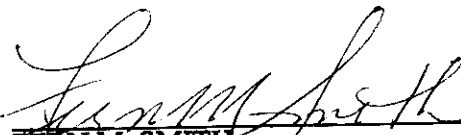
4 Respectfully submitted,

5 KEVIN V. RYAN
6 United States Attorney

7 JAY R. WEILL
8 Assistant United States Attorney
9 Chief, Tax Division

10 **ORDER**

11 Upon application of the United States the Case Management Conference is continued to
12 September 16, 2004 at 2:00 p.m.
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15 FERN M. SMITH
16 United States District Judge
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